

R E M A R K S

The amended claim 48 is believed to recite each and every feature of the elected claim 1 and, therefore, applicants believe that the claim 48 is patentable if the Primary Examiner will decide to allow the claim 1 (as amended in applicants' Paper dated April 12, 1996).

It is true that the claim 48 recites certain features in addition to those recited in the claim 1; however, if the Primary Examiner will decide to allow the claim 1, this should render the claim 48 patentable on the same grounds which the Primary Examiner might consider as warranting the allowance of the claim 1.

Applicants further respectfully request favorable reconsideration of the election requirement to the extent that the claims 20, 23, 28 and 31-35 should remain active in the present application. Each of these claims depends from the claim 1, or from a claim referring to the claim 1 and, therefore, no further examination of the merits of the claims 20, 23, 28 and 31-35 will necessary if the Primary Examiner will decide to allow the claim 1.

A favorable Action is earnestly solicited.

April 29, 1996

Respectfully submitted,

DARBY & DARBY, P.C.

By

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undersigned that the file of the application Serial No. 08/135,059 was no longer in the Group Art Unit 3622 and, therefore, the undersigned should seek information from the official or officials in charge of petitions to revive. The undersigned sought to contact Mr. George Walton whose name appears in the lower left-hand corner of the Notice dated July 21, 1998. Mr. Walton was not available; however, the undersigned was connected with Ms. Sonia Williams who, in turn, connected the undersigned with her Supervisor Mrs. Adams. Mrs. Adams informed the undersigned that she cannot discuss the case without the file and that the file could not be located. When the undersigned continued to inquire, he was informed that the file can be located in one day, in one week, in two or three weeks or more than three weeks.

A total of thirteen telephone calls were made to the Patent and Trademark Office in connection with this issue between July 30 and August 12, 1998. No explanation was received to this date. Therefore, the undersigned has decided to file this petition in order to ensure that an explanation can be received in the near future and that the prosecution of this application can proceed to a successful conclusion in the very near future.

Copies of debit notes indicating the telephone numbers of the Patent Examiner Mr. Rodrigues and certain other officials mentioned in this petition, together with the dates of the telephone calls made to such officials are available and can be furnished upon request.

(5) Your petitioners herewith respectfully request the following dispositions:

(A) Reinstatement of the application Serial No. 08/135,059 or of the CPA application at a very early date. (emphasis by the undersigned).

(B) Affording a new term for the filing of a Brief on Appeal or of a CPA application if the PTO will decide to reinstate the application Serial No. 08/135,059.

(C) An Action on the merits of the claims which were filed with the CPA application on May 11, 1998 if the PTO will decide to accept the request for the filing of the CPA application.

(D) An extension of the term of the patent to be granted on the application Serial No. 08/135,059 or of the patent to be granted on the CPA application (if and when granted) commensurate with the period of time which will elapse in connection with the reinstatement of Serial No. 08/135,059 or the delayed